

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

503-608-7611

\$84,000 total
JUDGEMENT, DAMAGES
CASE 3:24-cv-1702-AR

Plaintiff (P)

V.

Julia Annette White (D)

21408 SE 37th St.

11 Sammamish, WA 98075

12 Defendant

13 Tamera Davis (D2)

14 of 775 Elm St in Mt. Angel, Oregon

15 2ndbloomheirloom@gmail.com

16 Defendant 2

17 David Smith(D3)

18 david@au.todamageexperts.com

19 Defendant 3

19 Defendant 3
20 James Shipley D4

20 James Shupley, D.F.
21 OSR 864379

21 GGB 001276

22 jtsimley@jtgosimley.com,
23 2023 NE 43rd Ave., Portland

23 2233 NE 47th Ave. Portland
OR 97213-5022 1-800-8888

24 OH 57213, 505 455 6585.

25 Defendant D

27 **Defendant Legal Counsel (DLC)**

28 James Shipley, OSB 964279,

29 jtshipley@lygoshipley.com,

30 2233 NE 47th Ave. Portland,
OR 97213-5222 403-2222

31 OR 97213, 503-493-8383.

1 Complaint in Appendix A filed against the Federal Judge in 3:24-cv-1702-
2 AR with illegal bias 36) 37) and 40) and illegal administrative law 42). Also
3 failure to adjudicate nine well documented felony's deserves to be charged
4 with 41). In the lower case (3:24-cv-1702-AR), defendants were all in
5 default. The federal Judge ruling is known to the 9th circuit court as Official
6 Judicial Misconduct.

7
8 Judicial Council of the Ninth Circuit
9

10 COMPLAINT OF JUDICIAL MISCONDUCT
11 United States Court of Appeals for the Ninth Circuit
12 Office of the Circuit Executive
13 P.O. Box 193939
14 San Francisco, CA 94119-3939
15
16

17 The Appeals Court Justices should have paid no attention to what the
18 Federal Judge said. The lower court ruling was based on illegal bias 36)
19 37) and 40) and illegal administrative law 42). Also, failure to adjudicate
20 nine well documented felony's deserves to be charged with 41). In the
21 lower case, defendants were all in default. It is the job of the Appeals Court
22 to correct procedural errors of the lower Court, not to rubber-stamp their
23 decisions blindly.
24

25

26

27 UNITED STATES COURT OF APPEALS 28 FOR THE NINTH CIRCUIT

29
30 Docket Number 24-6799
31 Case 3:24-cv-01702-AR

32 DOCKET NOT FRIVOLOUS

1
2 **David White, Pro Se.**
3 18965 NW Illahe St, Portland,
4 **dave@salmonprotectiondevice.com**
5 OR 97229
6 503-608-7611
7 Plaintiff (P)
8 v.
9 Julia Annette White (D1)
10 21408 SE 37th St.
11 Sammamish, WA 98075
12 Defendant 1
13 Tamera Davis (D2)
14 of 775 Elm St in Mt. Angel, Oregon
15 Defendant 2.
16 David Smith(D3)
17 David@autodamageexperts.com
18 Defendant 3.
19 James Shipley, D4
20 OSB 964279,
21 jtshipley@lygoshipley.com,
22 2233 NE 47th Ave. Portland,
23 OR 97213, 503-493-8383.
24 Defendant 4

25
26 Defendant Legal Counsel (DLC)
27 James Shipley, OSB 964279,
28 jtshipley@lygoshipley.com,
29 2233 NE 47th Ave. Portland,
30 OR 97213, 503-493-8383.

31
32 **TABLE OF AUTHORITIES**
33
34 1) 18 U.S.C. § 1001 False Statements, Concealment...

1 2) 18 U.S.C. 1621 Perjury
2 3) 18 USC 3 accessory after the fact
3 4) 14 CFR § 47.11 - Evidence of ownership
4 5) FRCP 215. Mandamus
5 6) Federal Rule 902. Evidence That Is Self-Authenticating
6 7) US Copyright law 17.17
7 8) Federal Rule of Civil Procedure Rule 65 restraining order,
8 9) Federal Rule 60. Relief from a Judgment or Order,
9 10) Rule 56. Summary Judgment,
10 11) 14 CFR § 47.11
11
12 12) Federal Rule 902,
13
14 13) Oregon Supreme Court Opinion in 366OR49 2019 Marriage of
15 Staveland and Fisher,
16 14) Marriage of Grove, 280 Or. 341, modified on denial of reh'g,
17 15) Marriage of Cullen, 223 Or. App. 183 (2008), Marriage of Kunze,
18 (2004), Kunze and Kunze 337 Or. 122,
19 16) ORS 107.093 C,
20 17) ORS 107.105 (1)(d)(C),
21 18) ORS 803.010
22 19) 32 CFR § 150.15 - Assignments of error and briefs,
23 20) ORAP 5.47 (9), Summary Judgment.
24 21) ORCP 21 A (2) (B),
25 22) 223 OR App 183 (2008),
26 23) 337 OR 122 (2004),
27 24) ORS 2.516,
28 25) ORS 19.205,
29 26) ORS 19.415,
30 27) ORS 19.255,
31 28) ORS 2.516,
32 29) ORS 19.205,
33 30) ORS 19.415,
34 31) ORS 161.155,
35 32) ORS 107.093 (C),
36 33) ORS 107.105,

1 34) ORS 162.065,

2 35) ORS 34.080,

3 36) Judges Code of Conduct Canons 2 and 3

4 <https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>.

5
6 37) Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002): Pagtalunan
7 was Pro Se and made numerous mistakes in filing his Complaint resulting
8 in the case being dismissed. However, upon appeal, the higher Court
9 ruled that the lower Court was in error because they did not give
10 allowance for Pagtalunan's lack of legal training.

11
12 Plaintiff also lacks formal legal training and respectfully requests the same
13 allowance the higher Court said Pagtalunan should have received,
14 Appellant respectfully requests the Appeals Court Justices convene this
15 case as an Article Three, Section II of the US Constitution by 13).

16 Administrative law is illegal by 13). The federal ruling in the instant case is
17 pure administrative law and perjury. Appellant furthermore asks the Court
18 to vacate the federal law case, Oregon Appeals Court A179591 and
19 Oregon Trial Court 23DR02783 case because they are all based on illegal
20 administrative law misused to supplant federal law and the state and U.S.
21 Constitutions. Also, for this Contempt of higher Court a Judicial Fitness
22 Complaint has been filed against this Judge for the instant case.

23 38) Judges Code of Conduct Canons 2 and 3

24 <https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>.

25
26 39) ORS 166.065 Harassment

27
28 40) 28 U.S. Code § 455 (b), (1) which says, "Where he (The Judge) has a
29 personal bias or prejudice concerning a party, or personal knowledge of
30 disputed evidentiary facts concerning the proceeding."

31
32 41) 18 U.S.C. 4 requires, "Whoever, having knowledge of the actual
33 commission of a felony cognizable by a Court of the United States,
34 conceals and does not as soon as possible make known the same to some
35 judge or other person in civil or military authority under the United States,

1 shall be fined under this title or imprisoned not more than three years, or
2 both."

3
4 This is further defined in law as Misprision of Felony to identify and prevent
5 a crime in progress Proceedings in Forma Pauperis. There are two
6 elements required to prove Misprision of Felony. For example, misprision
7 exists when someone has knowledge that a crime is about to occur, and
8 yet does nothing to stop it. In the instant case it would include, among
9 many other things, knowledge about Perjury and Collusion of defendants.

10
11 42) 22-451 June 28th, 2024 Federal Case number 22-451 in Loper Bright
12 Enterprises v. Raimondo and Relentless, Inc. v. Department of Commerce
13 that all courts shall no longer function as administrative law courts.

14 https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf

15 Abuse of Administrative law is illegal and ALL courts must convene as a
16 court under Article three of the US Constitution. The Chevron doctrine is
17 invalid. Federal and state agencies can no longer cherry pick data for their
18 false agenda. Stare decisis must be vertical to the constitution not lower or
19 sideways. This is because any other case can't be guaranteed to have
20 enough similarities to warrant use unless the Judge and each counsel have
21 read that case transcripts, exhibits and final ruling. Six to three decision.
22 The 22-451 June 28, 2024 U.S. Supreme Court Loper Bright ruling now

23
24 forbids this abuse and reverts back to the U.S.

25
26 Constitution. Six to Three decision.

27 <https://thelawisyourattorney.com/loper-bright-enterprises/>
28 Associate Justice, Neil M. Gorsuch wrote an excellent dissertation on the
29 Loper Bright Enterprises v. Raimondo. Associate Justice, Neil M. Gorsuch
30 explained how illegal administrative law crept into the Judiciary and has
31 been made illegal back to the constitution. Associate Justice, Neil M.
32 Gorsuch also explained how the chevron doctrine is illegal and reverts to
33 2005. Associate Justice, Neil M. Gorsuch also explained how Stare decisis
34 must be vertical to the Constitution and not horizontal or lower. Plaintiff has
35 read the complete ruling including Associate Justice, Neil M. Gorsuch
36 excellent dissertation.

1
2 This court is therefore, obligated to convene as a Court under Article III of
3
4 the US Constitution. Four dockets have already been sent to circuit courts
5 by the US Supreme court in light of Loper Bright Enterprises v. Raimondo.
6 Administrative law is illegal.

7
8 Remanded Cases: The judgment is vacated, and the case is remanded to
9 the United States Court of Appeals for the Ninth Circuit for further
10 consideration in light of Loper Bright Enterprises v. Raimondo.

11
12 The US Supreme Court is extremely serious about its ruling in Loper Bright
13 Enterprises v. Raimondo. Explained here:
14 <https://thelawisyourattorney.com/loper-bright-enterprises/>

15
16 22-863 DIAZ-RODRIGUEZ, RAFAEL V. GARLAND, ATT'Y GEN.
17 The petition for a writ of certiorari is granted. The
18 judgment is vacated, and the case is remanded to the United
19 States Court of Appeals for the Ninth Circuit for further
20 consideration in light of Loper Bright Enterprises v. Raimondo,
21 603 U. S. ____ (2024).

22
23 22-868
24 BASTIAS, ARIEL M. V. GARLAND, ATT'Y GEN.
25 The petition for a writ of certiorari is granted. The
26 judgment is vacated, and the case is remanded to the United
27 States Court of Appeals for the Eleventh Circuit for further
28 consideration in light of Loper Bright Enterprises v. Raimondo,
29 603 U. S. ____ (2024).

30
31 22-1246
32 EDISON ELEC. INST., ET AL. V. FERC, ET AL.
33 The petition for a writ of certiorari is granted. The
34 judgment is vacated, and the case is remanded to the United
35 States Court of Appeals for the District of Columbia Circuit for
36 further consideration in light of Loper Bright Enterprises v.

1 Raimondo, 603 U. S. ____ (2024).
2

3 24-5006. Jason Steven Kokinda, Petitioner v. United States. On
4 petition for writ of certiorari to the United States Court of Appeals for
5 the Fourth Circuit. Motion of petitioner for leave to proceed in forma
6 pauperis and petition for writ of certiorari granted. Judgment vacated,
7 and case remanded to the United States Court of Appeals for the
8 Fourth Circuit for further consideration in light of Loper Bright Enterprises
9 v. Raimondo, 603 U. S. — (2024).

10 24-92. Kwok Sum Wong, Petitioner v. Merrick B. Garland, Attorney
11 General. On petition for writ of certiorari to the United States
12 Court of Appeals for the Second Circuit. Petition for writ of certiorari
13 granted. Judgment vacated, and case remanded to the United States
14 Court of Appeals for the Second Circuit for further consideration in
15 light of Loper Bright Enterprises v. Raimondo, 603 U. S. — (2024).

16
17 Appellant has read and understands the entire ruling.
18

19 43) 42 U.S.C. 659 2, I, b.
20

21 Complaint in Appendix A filed against the Federal Judge with illegal bias
22 36) 37) and 40) and illegal administrative law 42). Also failure to adjudicate
23 nine well documented felony's deserves to be charged with 41). In the
24 lower case, defendants were all in default.
25

26 Judicial Council of the Ninth Circuit
27

28
29 **COMPLAINT OF JUDICIAL MISCONDUCT**
30 **United States Court of Appeals for the Ninth Circuit**
31 **Office of the Circuit Executive**
32 **P.O. Box 193939**
33 **San Francisco, CA 94119-3939**
34

35
36 The Appeals Court Justices should have paid no attention to what the
37 Federal Judge said. The lower court ruling was based on illegal bias 36)

1 37) and 40) and illegal administrative law 42). Also, failure to adjudicate
2 nine well documented felony's deserves to be charged with 41). In the
3 lower case, defendants were all in default. It is the job of the Appeals Court
4 to correct procedural errors of the lower Court, not to rubber-stamp their
5 decisions blindly.

6

7

8 BACKGROUND

9
10 This appeal is emphatically not frivolous. Plaintiff filed case 3:24-cv-
11
12 01702-AR against the Defendants for being untruthful and colluding in
13
14 the marriage dissolution case 21DR02783. That final ruling was not
15
16 worth the paper it was written on, based as it was, on illegal
17
18 administrative law per 41) and illegal judicial bias 36), 37and 40). Also
19
20 these justices who illegally dismissed this case failed to adjudicate
21
22 nine well-documented felony's deserve to be charged with
23
24 41).

25

26 Four dockets have already been remanded to
27
28 circuit courts for illegal administrative law. The example below is
29
30 remanded to the 9th Circuit for this reason.

31

32 22-863 DIAZ-RODRIGUEZ, RAFAEL V. GARLAND, ATT'Y GEN.
33 The petition for a writ of certiorari is granted. The
34 judgment is vacated, and the case is remanded to the United
35 States Court of Appeals for the Ninth Circuit for further
36 consideration in light of Loper Bright Enterprises v. Raimondo,

1 603 U. S. ____ (2024).

2
3 Attached is a letter by Federal Express to each justice of the US
4
5 Supreme court and also to the 9th Circuit Court Chief Justice. They
6
7 will arrive March 26th. Federal Express numbers: 880003733694,
8
9 880003758070

10
11 **Conclusion**
12

13 Your honor, this case is far from frivolous; Plaintiff has been harmed
14
15 physically, monetarily and emotionally by Defendants and the Trial Court
16
17 Judge, on the basis of rejecting virtually *all* of Appellant's relevant, material
18
19 evidence and well-documented exhibits. The Judge even refused to
20
21 consider the written summary of respected Appeals Court Attorney, Jeff
22
23 Smith, whom Appellant hired by selling a treasured family heirloom,
24
25 inherited from Appellant's late father. Moreover, the Federal Judge in the
26
27 lower case refused to honor Appellant's request for Hearing to discuss
28

1 these matters.

2

3 Oregon case law by Oregon Supreme Court: In any decree providing for

4

5 spousal support, decree must enjoin upon supported spouse duty to advise

6

7 other party if supported spouse remarries. Grove and Grove, 280 Or 341,

8

9 571 P2d 477 (1977), modified 280 Or 769, 572 P2d 1320 (1977).

10

11 The final Judgement of 21DR02783 did not have this required provision,

12

13 which is yet another reason that the final judgement is unlawful and must

14

15 be vacated.

16

17 Moreover, garnishing Social Security for Spousal support is illegal by
18 Federal Law and Judge Bailey's biased attempt to do so renders his entire
19 ruling and judgement null and void.

20

21 43) says (B)Exceptions Such term does not include—

22

23 (i)any child support; or

24 (ii)any payment or transfer of property or its value by an individual to the

1
2 spouse or a former spouse of the individual in compliance with any
3
4 community property settlement, equitable distribution of property, or other
5
6 division of property between spouses or former spouses.

7
8 The failure to adjudicate this docket in accord with federal law demands
9 that it be re-opened and re-tried to avoid the inevitable Supreme Court
10 rejection, remanding it back to charge the culpable justices with Misprision
11 of Felony. This failure to adjudicate properly exposes extreme illegal bias
12 (36) 37) and 40) and illegal abuse of administrative law 42), which
13 constitutes Official Judicial Misconduct.

14
15 In light of the above, on March 25 2025 Appellant filed a Complaint in
16 Portland Court against Judge Bailey for his demonstrably fraudulent,
17 dishonest and unethical behavior. It will be filed with this.

18
19 <https://thelawisyourattorney.com/sample-page/unethical-judge-bailey/>
20 Attached is a letter by Federal Express to each justice of the US Supreme
21 court and also to the 9th Circuit Court Chief Justice. They will arrive March
22 26th. Federal Express numbers: 880003733694, 880003758070
23
24

25
26
27
28 Relief requested
29

1. Appellant hereby respectfully requests the Court to rule that this
2. case is not frivolous.
- 3.
4. Appellant hereby respectfully requests the Court to issue an order
5. removing \$44,000 from Plaintiffs' side of the ledger, which is
6. erroneously recorded there because of the perjury of Appellee 1
7. and her witnesses.
- 8.
9. Appellant hereby respectfully requests the court to order Appellee
10. 1 to refund \$10,602.51 to Plaintiff's IRA. This is based on
11. \$17,057.01(extra removed from IRA illegally) - \$6454.50 (correct
12. split of Grandkids' variable asset money) = \$10,602.51 restored to
13. Plaintiff's IRA.
- 14.
15. Appellant hereby respectfully requests the Court to order Appellee
16. 1 to return all items from Appellee 1 Illegal Writ of Execution based
17. on three Oregon laws broken by DLC and TCJ.
- 18.
19. Appellant hereby respectfully requests the Court to order Appellee
20. 1 to pay Spousal Support of \$1000 per month to Plaintiff starting
21. September1, 2022 until Appellee 1's 70th birthday. It was unlawful
22. for Judge Bailey, under illegal bias 36) 37) and 40) and illegal
23. administrative law Appellee 1 spousal support due to his poverty
24. status. On the other hand, it is perfectly reasonable for Appellee 1
25. to pay Appellant \$1000 per month until she is 70 years of age.
- 26.
27. Appellant hereby respectfully requests the Court to order Appellee
28. 1 to write a letter to all our friends and tell them she was untruthful
29. in stating that a doctor determined **he** was unfit to possess
30. firearms. She must also inform the gun destruction facility of this
31. fact. Also Appellee 1 must pay Appellant \$5,000 to replace the
32. bullets illegally destroyed by that facility because of Appellee 1's
33. false Police Report.
- 34.

1 7. Appellant hereby respectfully requests the Court for adjudication of
2 Appellee 1 to the FBI to be charged with violations of 1) and 3)
3 Perjury, and restitution to Plaintiff of \$11,000. Exhibit 11 is well-
4 documented perjury of Julia White Defendant.

5

6 8. Appellant hereby respectfully requests the Court to adjudication of
7 Tammy Davis to the FBI to be charged with violations of 1) and 3).
8 Exhibit 8 is well-documented perjury of Tammy Davis. Also,
9 restitution to Plaintiff of \$11,000

10

11 9. Appellant hereby respectfully requests the Court for adjudication of
12 David Smith and Jim Shipley to the FBI to be charged with
13 violations of 1), 2) and 3). Exhibit 9 is David Smith well-
14 documented perjury with Jim Shipley as 18 USC 3 accessory after
15 the fact. Also, restitution to Plaintiff of \$22,000.

16

17 10. Appellant hereby respectfully requests the Court to use the new
18 ruling which is based on transcripts and exhibits in the hearings.
19 This is Exhibit 12.

20

21 11. Appellant hereby respectfully requests the court to Rule the Artic
22 Fox camper, Lazy-Boy chairs and window coverings in Appellant's
23 home are owned by Photolithography.net and not marital assets as
24 DLC untruthfully claims. DLC said Plaintiff shouldn't have
25 transferred the title of the camper to the company during the trial
26 pendency. However, his client, D, took the monies from the
27 wrecked Vibe payoff and reinvested it in a newer car. This, without
28 consideration of Plaintiff. The Vibe was a marital asset.

29

30 12. Appellant hereby respectfully requests the court to rule that the
31 IRA be split by the ending value of the IRA as a variable asset
32 (end of divorce trial) valued at the time as 99,885.99. The Oregon
33 Supreme Court in Staveland and Fisher ruled this must be split
34 equally at the of July 31st, 2022, with the account all in cash. Half

1 is \$99942.99. Thus, D illegally took \$117,000 and must return
2 \$17,057.01 back to Plaintiff's IRA along with Grandkids college
3 saving accounts. They must be split at the ending value dated
4 August 1, 2022 when the IRA was valued just under \$200.000. D
5 must transfer \$13205.74 to Plaintiff's IRA. The Grandkids' total
6 was 15,689.88 after withdrawals so we each get \$\$4867.33 after
7 paying federal and state taxes, To summarize, \$17,057.01 -
8 \$\$4867.33 = \$12189.68 restored to Plaintiff's IRA.

9

10 13. Appellant hereby respectfully requests the court to rule attorney
11 fees for respondent are not valid because of untruthful non-
12 provable statements made in trial by D's witnesses and DLC's
13 more than 65 untruthful and non-provable statements in Trial
14 Transcripts

15

16 14. Appellant hereby respectfully requests the Court to Rule that the
17 "bidding approach" utilized by the Trial Court is unlawful in that it is
18 not based on fact established in the record. Since no real value
19 was established for this property, the Court should remand this
20 issue to the Trial Court to order mediation with Portland Mediators.
21 Appellee 1 must pay for this.

22

23 15. Appellant hereby respectfully requests the Court to Rule
24 Respondents' Legal Counsel made a minimum of 65 well-
25 documented, untruthful statements in Court hearings and exhibits
26 from May 3, 2021 to July 26, 2022.

27

28 16. Appellant hereby respectfully requests the court to Rule Trial Court
29 Judge and previous Trial Court Judge broke Oregon law ORS
30 107.105 (1)(d)(c) Maintenance Spousal Support. Plaintiff has no
31 Job to pay support and bad health Therefore, Plaintiff can't be
32 ordered to pay support.

33

1 17. Appellant hereby respectfully requests the court to Rule D, who
2 has at least \$3000 a month in disposable income, must pay
3 Appellant \$1000 a month in support until she is 70 years old.

4

5 18. Appellant hereby respectfully requests the court to Rule that the
6 KeyBank account records for Climate Change Truth Inc., which are
7 under a protection order, cannot be brought to the Court or
8 mentioned in any pleading. Well-documented case facts are: D
9 removed herself from Climate Change Truth Research Inc in
10 September, 2017 and her shares were redistributed to remaining
11 board members per the bylaws which are similar to
12 Photolithography.net bylaws, in the exhibits. Both Plaintiff and D
13 testified to this in Depositions and the Trial. D testified to this on
14 the last day of the Trial.

15

16 19. Appellant hereby respectfully requests the Court to Rule the
17 motion submitted to Trial Court was illegal per Transcripts Page
18 132, Line 1-4

19

20 20. Appellant hereby respectfully requests the Court to Rule the
21 Personal Property Section of Exhibit 18, which D and Trial Court
22 Judge signed must be completed.

23

24

25 21. Appellant hereby respectfully requests the Federal Court to require
26 untruthful Appellee 1 to stop using his family's last name of White.
27 She has tarnished it by her many untruthful statements.
28 Furthermore,

29

30 22. Appellant hereby respectfully requests the federal Court to vacate
31 Appellant, by FRCP 60 asks the 9th circuit Court to vacate the
32 Oregon Appeals Court case A179591 and Oregon Trial Court
33 23DR02783 case final ruling and Judgement because they also
34 are illegal, and not based on case facts per the Loper Bright

1 decision of June 28, 2024. Likewise, the final Ruling and
2 Judgement in 21CN04610, 22CN02186 and Opinion in A180374
3 are not based on any actual case facts in the transcripts and
4 exhibits.

5 a. These cases, rulings and judgements are illegal bias 36) 37)
6 and 40) and illegal administrative law 42) is known as Official
7 Judicial Misconduct.

8
9
10 23. Additionally, Plaintiff has clearly demonstrated that this Court does
11 in fact have jurisdiction over this case.

12
13 24. Appellant moves the Appeals court to award Appellant the
14 \$84,000 which was sought in the Complaint.

15
16
17
18 **CERTIFICATE OF SERVICE**

19 I hereby certify that on March 25th, 2025, a true and correct copy of the
20 above document was electronically filed with the Clerk of the Court using
21 CM/ECF. A copy of the document will be served upon interested parties via
22 the Notices of Electronic Filing that are generated by CM/ECF. Additionally,
23 a courtesy copy is being provided as follows:

24
25 Defendant Legal Counsel (DLC)

26 James Shipley, OSB 964279,

27 jtshipley@lygoshipley.com,

28 2233 NE 47th Ave. Portland,

29 OR 97213, 503-493-8383.

30 XX Via hand delivery

31 Via U.S. Mail, 1st Class,

32 Postage Prepaid

- 1 Via Overnight Delivery
- 2 Via Facsimile
- 3 Via Email
- 4 Via CM/ECF notification
- 5 to the extent registered DATED: 10/7/2024.
- 6 By: David White

9
10 Via hand delivery
11 Via U.S. Mail, 1st Class,
12 Postage Prepaid
13 Via Overnight Delivery
14 Via Facsimile
15 Via Email
16 Via CM/ECF notification
17 to the extent registered DATED: March 25th, 2025
18 By: David White

DeeDee

20
21 David C. White Pro Se. March 25th, 2025

24 Appendix A

Judicial Council of the Ninth Circuit

COMPLAINT OF JUDICIAL MISCONDUCT

United States Court of Appeals for the Ninth Circuit Office of the Circuit Executive

1 **P.O. Box 193939**
2 **San Francisco, CA 94119-3939**

3
4 1. Name of Complainant: Dave White Pro Se

5 Contact Address: 18965 NW Illahe st

6 Portland, OR 97229

7 Daytime telephone: (503) 608-7611

8
9 10 2. Name(s) of Judge(s): Magistrate Judge Jeff Armistead, United States

11 District Judge Amy M. Baggio

12 3. Court: Portland Oregon Federal court

13
14 4. Does this complaint concern the behavior of the judge(s) in a particular lawsuit
15 or lawsuits?

16 Yes No

17 If "yes," give the following information about each
18 lawsuit:

19 Court: _____ Case _____

20 Number: 3:24-cv-01702-AR

Docket number of any appeal to the 9th

Circuit:

24-6799

Are (were) you a party or lawyer in the lawsuit?

Party Lawyer Neither

If you are (were) a party and have (had) a lawyer, give the lawyer's name, address, and telephone number:

5. Have you filed any lawsuits against the judge?

Yes No

9th circuit

6. Brief Statement of Facts. Judge clearly exhibited illegal bias against Pro Se Plaintiff. Defendants were in default for not responding to the Amended Complaint within 14 days by FRCP 15. Plaintiff immediately filed ECF 11 Memorandum by Rule 55 requesting judge to rule Defendants in default by Federal law. FRCP 5 doesn't give the Judge any extra time to evaluate an Amended Complaint. The "Speedy Trial" Clause of the Sixth Amendment of the U.S. was intended for just this kind of situation. By extension the principle should apply to the instant case, consonant with The Federal Speedy Trial Act of 1974, which installed the Statutory time limits. The Amended Complaint could easily be read and understood by virtually any person or Judge in a 2-hour time frame. Of course, most Judges have their clerks do the reading and report to the judge. The Amended Complaint was uploaded to the court on October 15, 2024. Today is November 4, 2024.

7. "The court is evaluating whether the Amended Complaint has established that the

court has subject matter jurisdiction to hear this lawsuit and a ruling will issue shortly.

That can only mean that the Judge is searching for case law to justify his decision to support his predetermined decision to dismiss the case, contrary to a plain reading of the Constitution and Federal law made in pursuance thereof. Namely, Federal Rules 3 and 4. Any such use of the law to contravene Article III, Section 2 of the U.S. Constitution and 22–451 June 28th, 2024 Loper-Bright Enterprises. This is flagrant violation of the judge's sworn oath of office to support and defend the Constitution of the United States.

8. ***The court has reviewed plaintiff's Emergency Memorandum in Support, which is titled "Memorandum by Rule 55." The court construes the motion as an emergency motion for entry of default, and it is DENIED. The court is evaluating whether the Amended Complaint has established that the court has subject matter jurisdiction to hear this lawsuit and a ruling will issue shortly. Ordered by Magistrate Judge Jeff Armistead. (pjg)***

This ruling is in violation of:

22–451 June 28th, 2024 Loper Bright Enterprises v. Raimondo and Relentless, Inc. v. Department of Commerce. https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf

18 U.S. Code § 4 - Misprision of felony

28 U.S. Code § 144 - Bias or prejudice of judge

Judges Code of Conduct, Canons 2 and 3; <https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>.

Article VI, Section 2 Supremacy Clause of the United States Constitution: This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the **Judges in every State shall be**

bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The judge has no authority to DENY anything at this point in the trial under federal law and the Constitution. The federal rule of procedure is crystal clear – the judge must sign after clerk's review and signature.

Did this judge not swear allegiance to these very words of in Article VI, Section 2 of the U.S. Constitution? Based on his actions did he not enter into this covenant with the American people with malice aforethought. With some hidden purpose of evasion? Will this go unrequited?

9. None of Plaintiff's clear and compelling evidence was mentioned in the dismissal. It is therefore clear that the judge was made aware of a crime committed or in progress and ignored it, dismissing the case for other trivial reasons by comparison. This makes him culpable for misprision of felony, in principle, if not in fact. Are judges above the law? Are they not required to consider all material evidence in arriving at a final decision or are they free to violate Loper Bright Enterprises at will? Will this callous disregard for the higher law go unpunished, or will justice prevail?
10. On 11/4/2024 the case was illegally dismissed with the same verbiage which caused the amended complaint to be filed. This is clear bias.
- 11.
- 12.
13. The following transaction was entered on 11/4/2024 at 11:16 AM PST and filed on 11/4/2024
14. Case Name: White v. White et al
15. Case Number: 3:24-cv-01702-AR
16. Filer:
17. Document Number: 12(No document attached)
- 18.
19. Docket Text:
20. ORDER:

1 21. Acknowledgment, declaration and signature;

2
3 I understand that even if I successfully prove that the judge engaged
4 in misconduct or is disabled this procedure cannot change the
5 outcome of the underlying case.

6 I declare under penalty of perjury that the statements made in
7 this complaint are true and correct to the best of my
8 knowledge.

9
10 

11 (Signature) _____

12/03/24

13 (Date)

14